

URBAN AGRICULTURE
Draft Ordinance, June, 2015

Tucson City Code amended as follows.

Chapter 4A URBAN AGRICULTURE

Article I. General Provisions, §§ 4A-1 – 4A-11

Article I, General Provisions

Section 4A-1 Purpose and Scope:

- (a) The purpose of this Chapter is to ensure that Urban Agriculture is appropriately located to meet the needs for local food production, community health, community education, garden-related job training, environmental enhancement, preservation of green space, and community enjoyment while protecting residents, the quality of life in neighborhoods, and the safety and welfare of small farm animals.

Section 4A-2 Definitions: For the purpose of this chapter, and unless the context plainly requires otherwise, the following terms, phrases, and words shall have the meaning given herein:

- (a) **Agriculture:** The production of goods such as food, fibers or feed by the systematic growing and harvesting of plants, animals and other life forms. Typical forms of agriculture include cultivation of land and raising of livestock.
- (b) **Animal Shelter:** A structure that covers or protects an animal, such as doghouses and chicken coops. Structures with a permeable roof or covering, such as dog or chicken runs, are not considered an animal shelter for the purposes of this definition.
- (c) **Aquaponics:** The cultivation of fish and plants together in a constructed, re-circulating ecosystem utilizing natural bacterial cycles to convert fish wastes to plant nutrients.
- (d) **Community Garden:** An area of land managed and maintained by non-profit and community-based organizations to grow and harvest food crops and/or non-food ornamental crops, such as flowers, for personal or group use, consumption or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.
- (e) **Composting:** The process of accelerated biodegradation and stabilization of organic material under controlled conditions, yielding a product which can safely be used as fertilizer.
- (f) **Crop Production:** The growing and harvesting of agricultural products to provide food, fiber, and/or horticultural vegetation for ornamental purposes.

Typical uses include the growing of field crops, fruit and nut orchards, nurseries, and greenhouse operations.

- (g) **Farmers Market:** A publicly or privately operated, open-air establishment where primarily agricultural products such as raw vegetables, fruits, syrups, herbs, flowers, plants, nuts or handcrafted items are sold.
- (h) **Greenhouse, Mechanical:** A building or structure whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated utilizing mechanical fans for the cultivation of plants for personal use and/or for subsequent sale.
- (i) **Greenhouse, Passive:** A building or structure whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated without the use of mechanical fans for the cultivation of plants for personal use and/or for subsequent sale. Greenhouses that use evaporative coolers are considered passive.
- (j) **Home Garden:** The property of a single-family or multifamily residence used for the cultivation of fruits, vegetables, plants, flowers, or herbs by the residents of the property for their personal use or donation.
- (k) **Hoophouse:** A structure made of PVC piping or other material covered with translucent plastic, constructed in a “half-round or “hoop” shape.
- (l) **Urban Agriculture:** The use of a lot for the cultivation of food and/or horticultural crops, composting, aquaponics, aquaculture and/or hydroponics.
- (m) **Urban Farm:** Privately or publicly owned land used for the cultivation of fruits, vegetables, plants, flowers, or herbs and small farm animals by an individual, organization, or business with the primary purpose of growing food for sale.

4A-3 Gardens

The following activities and uses are permitted.

a. Home Garden

Permitted on all parcels of land occupied by a residence. Zones include RH, SR, SH, RX-1, RX-2, R-1, R-2, R-3, MH-1, MH-2, O-1, O-2, O-3, RVC, NC, C-1, C-2, C-3, P, RV, OCR-1, OCR-2, MU, P-1, P-1, I-1, I-2.

- (1) Gardens may be located anywhere on the property, including in the front of the residence, between the primary structure or residence and the right-of-way or sidewalk.
- (2) Gardens located in the front of the residence shall be maintained as a landscape feature appropriate to the surrounding streetscape; dead vegetation, straw mulching, and weeds are not permitted. All gardening supplies and accessory buildings must be in the rear yard, such as bales of hay or straw, tool and storage sheds, and compost piles.
- (3) Vertical gardens may be installed on any wall or fence that is not contiguous with an adjoining property. Vertical gardens may not negatively affect the integrity of

- the wall or fence and the fastening devices may not project or otherwise create a safety hazard.
- (4) Passive greenhouses are permitted. They shall be located in the rear yard. They may not exceed eight (8) feet in height or 120 square feet in area. Greenhouses shall comply with the setback requirements of the underlying zone.
 - (5) Hoophouses, or other fabric-based shelters, shall be securely attached to the ground. They may not exceed eight (8) feet in height or 120 square feet in area. The hoophouse shall be properly maintained and torn fabric and broken supports must be removed or replaced. If the hoophouse is no longer being used, the frame and fabric must be dismantled and removed.
 - (6) Produce shall be grown for the use of the resident and their guests or donation. Sales are limited to members or subscribers to a listserv or social networking service dedicated to the growing, producing or selling of agricultural goods.
 - (7) Composting must comply with Section 4A-6, Composting.
 - (8) Property owners are encouraged to conduct an initial soil test of the garden site to ensure it does not contain excessive amounts of lead or other harmful materials.

b. Community Garden

Community Gardens are permitted in the following zones. RH, SR, SH, RX-1, RX-2, R-1, R-2, R-3, MH-1, MH-2, O-1,-2, O-3, RVC, NC, C-1,C-2, C-3, P, RV, OCR-1, OCR-2, MU, P-1, I-1, I-2.

- (1) Site users must have an established set of operating rules addressing the governance structure of the garden, hours of operation, maintenance, and security requirements; must have a garden coordinator to perform the coordinating role for the management of the community gardens and to lease with the City, if necessary; and must assign garden plots in a fair and impartial manner according to the operating rules established for that site. The name and telephone number of the garden coordinator, and a copy of the operating rules, shall be kept on file with the City's Planning and Development Services Department.
- (2) Community gardens located on public property or receiving funding or assistance from public agencies must provide accessible access and raised beds for persons with disabilities.
- (3) Mechanized equipment similar in scale to that designed for household use shall be permitted. Use of larger mechanized farm equipment is generally prohibited; provided, however, that during the initial preparation of the site, heavy equipment may be used to prepare the land/soil. Operation of equipment is limited to the hours between 7:00am and 7:00pm, Monday through Saturday.

- (4) All community gardens and their users must comply with all federal, state, and local laws and regulations relating to the operation, use and enjoyment of the garden premises. Site users may not introduce heavy metals or other harmful contaminants to the garden site.
- (5) Any equipment or supplies needed for garden operations shall be enclosed or otherwise screened from the street and any adjacent residential uses.
- (6) Accessory buildings, such as sheds, greenhouses, and hoophouses shall comply with the setback requirements of the underlying zoning.
- (7) All structures, inclusive of ramadas, animal shelters, storage sheds, etc. shall not exceed 20% of the total lot coverage.
- (8) Greenhouses shall be passive and shall not exceed 10 feet in height or 240 square feet in area.
- (9) Hoophouses, or other fabric-based shelters, shall be securely attached to the ground. They may not exceed ten (10) feet in height or 240 square feet in area. The hoophouse shall be properly maintained and torn fabric and broken supports must be removed or replaced. If the hoophouse is no longer being used, the frame and fabric must be dismantled and removed.
- (10) No on-site sales of produce or plant products are permitted.
- (11) No small farm animals are permitted unless an organization responsible for the oversight of the community garden has a salaried person/s overseeing employees or volunteers whose job it is to ensure the animals receive daily care year round. A sign, meeting Tucson sign code requirements, stating name and phone number for the contact person, must be prominently posted by the gate to the site.
- (12) Permitted small farm animals must meet all regulations in Section 4A-7
- (13) Composting must comply with Section 4A-6, Composting.
- (14) Waste shall be collected regularly by the municipality.
- (15) Gardens located at private residences, with access to plots permitted by the property owner or renter, are not considered community gardens for the purpose of this section.

Section 4A-4 Urban Farm

Urban Farms are permitted in the following zones: I-1, I-2.

- (1) Prior to establishment, site users shall inquire into historical use of the property and undertake soil testing to measure nutrients, heavy metals, and any other harmful contaminants that may be present. The soil testing results and proposed remediation methodology, if needed, shall be provided to the City and kept on file with the Planning and Development Services Department.
- (2) A management plan is required. Urban farms must prepare a management plan to address how activities will be managed to avoid impacts on surrounding land uses and natural systems. The management plan must include:
 - A site plan, including size of buildings, height, and lighting;
 - Operating hours;
 - A description of the type of equipment necessary or intended for use in each season and the frequency and duration of anticipated use;
 - Disclosure of any intent to spray or otherwise apply agricultural chemicals or pesticides, frequency and duration of application, and the plants, diseases, pests, or other purposes they are intended for;
 - Disclosure of the composting or spreading of manure;
 - A proposed sediment and erosion control plan;
 - Disclosure of parking impacts related to the number of staff on-site during work hours, and the number of potential visitors regularly associated with the site
 - A proposed composting and waste management plan.
- (3) The farm must comply with the Americans with Disabilities Act design standards for accessible entrance routes and accessible routes between the different components and must follow universal design principles whenever possible.
- (4) Greenhouses may be passive or mechanical. Passive greenhouses must comply with the setback requirements of the underlying zoning. Mechanical greenhouses must be set back a minimum of 100 feet from any lot lines that abut residential zones or zones that contain residential units.
- (5) Hoophouses, or other fabric-based shelters, shall be securely attached to the ground. They may not exceed 15 feet in height or 96 feet in length. The hoophouse shall be properly maintained and torn fabric and broken supports must be removed or replaced. If the hoophouse is no longer being used, the frame and fabric must be dismantled and removed.
- (6) Accessory buildings, limited to tool sheds, shade pavilions, restroom facilities, planting preparation houses, are permitted. They must comply with the dimensional requirements of the underlying zoning and may not exceed fifteen percent (15%) of the farm lot area.
- (7) Signs must comply with the city of Tucson sign code.
- (8) On-site sales of produce and plants is permitted. Retail sales of plants and produce grown on-site or products that are processed off-site but made from

products grown on-site, and other public use of the Urban Farm, may occur from 7:00am to 7:00 pm.

- (9) All applicable health department regulations apply to the sale of produce and products.

Section 4A-5 Farmer's Markets

Farmer's markets are permitted in the following zones. R-1, R-2, R-3, C-1, C-2, C-3, OCR-1, OCR-2, P-1, I-1, I-2, MU

- (1) Farmers' Markets located in R-1, R-2, or R-3 are limited to churches, schools, and non-profit locations.
- (2) Farmer's Markets located in residential zones shall not be operated more than two days each week nor more than six hours per day between sunrise and sunset.
- (3) Craft and non-agricultural related product sales area must be clearly accessory to the sale area of food products. Non-agricultural products may be sold but the area dedicated to such products shall not occupy more than twenty-five (25) percent of the total sales area.
- (4) All litter, tents, stalls, food, merchandise, signs (on-site and off-site), and other evidence of the Farmers' Market shall be removed from the premises at the end of each market event.
- (5) Outdoor activity, including the outdoor display of goods for sale, is permitted.
- (6) Compliance with the Tucson Code, section 16-31, Excessive Noise (Neighborhood Preservation Ordinance) is required. Additionally, loudspeakers and amplified music are prohibited outdoors when within 300 feet of a residential use or zone. Any high noise activity, such as amplified entertainment, shall occur within an enclosed building when within 300 feet of a residential use or zone.
- (7) The retail area shall be dust proofed.
- (8) Farmers' Markets must comply with all applicable Health Department regulations.

Section 4A-6 Composting:

- (1) Composting activities shall not be conducted in a manner which creates odors, litter, dust or noise nuisances, or attracts vectors or pests.
- (2) Composting is limited only to the materials generated on-site, and must be used on-site,

unless an organization responsible for the oversight of the community garden has a salaried person/s overseeing employees or volunteers whose job it is to ensure that materials brought in from off-site are food-based and appropriate for composting. A sign, meeting Tucson sign code requirements, stating name and phone number for the contact person, must be prominently posted by the gate to the site.

- (3) Composting areas shall be located, designed, and constructed to prevent the composting material and compost from sitting in ponded surface water.
- (4) The composting material shall not contain sewage, sludge, septage or catch basin waste.
- (5) The composting area must be set back a minimum of six feet from the side and perimeter yard.
- (6) Composting is not permitted in the front of the principal structure, and must be located a minimum of twenty feet from the front lot line. It must be screened from view by shrubbery or an enclosure.
- (7) Compost piles may not exceed .5% of the total lot area.
- (8) Compost must be situated in a manner as to minimize runoff onto adjacent property.
- (9) Compost must be regularly turned to reduce chances of combustion.
- (10) Chicken manure shall either be composted with carbonaceous material such as hay, bedding, or leaves.

Section 4A-7 Small Farm Animals

The following regulations shall govern the keeping of chickens and rabbits and are designed to prevent nuisances and prevent conditions that are unsanitary or unsafe.

- (1) Small farm animals are limited to chickens and rabbits.
- (2) The following number of chickens may be raised on a given lot “By Right”, provided all conditions for their humane care, including housing requirements, are met.
 - a. 6 chickens on any lot fewer than 10,000 sq. ft.
 - b. 8 chickens on lots more than 10,000 sq. ft to 20,000 sq. ft.
 - c. 12 chickens on lots more than 20,000 sq. ft. to 36,000 sq. ft.
 - d. 24 chickens on lots over 36,000 sq. ft.

- (3) The following shall be provided for chickens.
- a. An enclosed henhouse with at least two (2) square feet per hen and nesting box for each three chickens.
 - b. An enclosed pen or run at least four (4) square feet of pervious surface per hen kept on the property. Maximum height of the run shall be no taller than six (6) feet.
- (4) Structures shall be no taller than six (6) feet and 16 (sixteen) square feet in area.
- (5) Coops and cages housing chickens shall be set back a minimum of ten (10) feet from lot lines, and at least 15 feet from the principal structure of the adjoining residence.
- (6) Coops and cages shall not be located in the front yard.
- (7) All coops and runs shall have a securely-built frame, and shall be designed to be predator-proof.
- (8) Odors from hens, hen manure, or other hen-related substances shall not be perceptible at the property boundaries.
- (9) Waste shall either be composted with carbonaceous material such as hay, bedding, or leaves or stored in a sealed container until it is removed from the property.
- (10) The coop and any outdoor enclosure shall be kept in a sanitary condition and free from any odors perceptible at the property boundaries.
- (11) Hens shall be confined to the subject property and not allowed to wander onto other properties including City-owned land. Hens shall not be kept within the living area of the residential structure.
- (12) Hen feed must be stored in a rodent-proof container inside the primary structure.
- (13) Eating troughs should keep food off the ground to reduce rodent problems.
- (14) Roosters and guinea fowl are prohibited.
- (15) Rabbits are permitted. Residents may keep up to two (2) does and one (1) buck for breeding purposes. There may be up to 60 live offspring on-site at any given time.
- (16) Rabbit enclosures shall be a minimum of three sq. ft and two feet high.

(17) Rabbit runs shall be a minimum of eight feet by four feet.

(18) Rabbit hutches shall be located off the ground. Part of the hutch should be wired to prevent the rabbit from standing in their waste, and a portion of the hutch should have solid surfacing to protect the rabbit's feet.

(19) Rabbits are to be kept in a cooled, enclosed structure.

Section 4A-8, Permits

Persons who wish exceptionality to the above "By Right" regulations may apply for a permit from the Planning and Development Services Department. Permits will be granted to a specific person at a specific address for a specific request; they will not be transferable.

- (1) The permit application must contain the following items:
 - a. Name, address, phone number and e-mail address, if available
 - b. Specifics of the request
 - c. Rationale for the request must be based on factual data: lot size, dimensions and construction of existing or proposed animal housing and exercise areas. Pictures, diagrams with dimensions, and sketches may be drawn by hand.
- (2) Permits will be granted based solely on evidence that neither the well-being of the animals nor the quality of life of residents on adjoining properties will be negatively impacted. No letters of support will be admitted as evidence.
- (3) The fee for the permit will be commensurate with the staff time needed to process the application
- (4) Permits will be granted on an annual basis. If the City receives no complaints or has any other reason to find that the animal owner is in violation of any aspect of the code requirements, the permit will remain in effect for the following years.
- (5) If the City receives valid complaints regarding the violation of these terms, the permit will be terminated and the applicant will be required to bring their property into code compliance.

Section 4A-9, Butchering

- (1) Owners may butcher animals for their own use.
- (2) There shall be no outdoor slaughtering.
- (3) All applicable state statutes that govern the humane butchering shall be followed.

- (4) Anyone raising animals for sale as meat to a third party must comply with all Health Department requirements. This requirement applies to Urban Farms.

Section 4A-10, Abandonment of Community Garden or Urban Farm:

- (1) A Community Garden or Urban Farm site shall be considered abandoned when it fails to operate for more than one year. Planning and Development Services shall determine what proportion of the site is inoperable for the facility to be considered abandoned. If the applicant fails to remove the structures, farm equipment and machinery in accordance with the requirements of this section within one hundred and eighty (180) days of abandonment, the city shall have the authority to enter the property and conduct all removal activities.
- (2) Any Community Garden or Urban Farm which has been abandoned shall be cleared and restored to its original state. The owner/operator shall physically remove all structures in no more than one hundred and eighty (180) days after the date of discontinued operations. Site clearing shall consist of:
 - (3) Physical removal of all structures, equipment and machinery
 - (4) Disposal of all composting and agricultural waste in accordance with local and state waste disposal regulations
 - (5) Stabilization or re-vegetation of the site as necessary to minimize erosion and blowing dust.

Section 4A-11, Grandfathering

- (1) Any exceptionality which is in place at the passage of their ordinance shall be grandfathered in for the life expectancy of the animals, with a maximum of eight years. At the time, the code must be followed or a permit requested.